

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, NOVEMBER 12, 2014**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Davies.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trever Parker.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION**

1. Government Code section 54956.9(b);
  - a) Closed session with City Attorney re: Threatened Litigation Related to Wagner Street Trail.

**IV. RECONVENE TO OPEN SESSION – *Nothing to report.***

**V. APPROVAL OF AGENDA**

*Motion (Miller/Davies) to approve the agenda as amended. Passed unanimously.*

**VI. APPROVAL OF MINUTES – No Minutes to approve.**

**VII. COMMISSIONERS REPORTS**

**Davies:** Nothing to report.

**Miller:** Nothing to report.

**West:** Nothing to report.

**Fulkerson:** RREDC and SBDC merger update, and announced that Humboldt County is in 56<sup>th</sup> consecutive month of job growth.

**City Manager Berman:** Highlighted and announced various updates, including:

- Attended meetings with the Tsurai and Trinidad Rancheria.
- Working on an \$80,000 grant from the State to supplement completion of the General Plan update.
- Attended a new city manager conference in Southern California.
- Budget and Scope of the septic grant program are being reviewed.

**VII: PROCLAMATIONS & ANNOUNCEMENTS**

1. Recognizing November 20, 2014 as the Great American Smokeout Day in Trinidad.

Mayor Fulkerson read the proclamation. A representative from the County Public Health Department received the proclamation on behalf of the ACS.

*Motion (Miller/Baker) to approve the Proclamation. Passed unanimously.*

**VIII. ITEMS FROM THE FLOOR**

**Scott Baker** – Museum Boardmember and Volunteer

Concerned about the increase in transient activity at the museum. Requested additional law enforcement support if possible.

**Allie Lindgren** - Museum Boardmember and Volunteer

Also concerned about the increase in transient activity at the museum. Requested additional law enforcement support if possible to deal with trash and unsafe people hanging around. Thanked Mayor Fulkerson for attending the Veterans Day event at the Museum.

**IX. CONSENT AGENDA**

1. Financial Status Reports for September 2014.
2. Letter Re: Strawberry Rock Protection and Public Trail - ***Pulled for discussion.***
3. Ordinance 2014-01; Second Reading of Vacation Dwelling Unit Ordinance
4. Resolution 2014-15; Submitting Local Coastal Program Amendment (VDU) to Coastal Commission.
5. Resolution 2014-17; Designating the City Manager and City Clerk as representatives to the PARSAC Board of Directors on behalf of the City.
6. Updated Citizen Complaint Form - ***Pulled for questions. Motion (West/Miller) approved. Passed 5-0.***

*Motion (Miller/West) to approve the consent agenda as amended. Passed unanimously.*

## **X. DISCUSSION AGENDA**

### **1. Discussion/Decision Regarding Resolution 2014-16; Support for the Little River Trail.**

RCAA representative Emily Sinkhorn introduced the proposal, stating that completion of this trail connecting the Hammond Trail/Clam Beach Trail to Scenic Drive will significantly improve non-motorized transportation in our region by connecting Westhaven and Trinidad to the excellent Hammond Trail system without having to cross the Little River on Highway 101 bridge.

Sinkhorn introduced Don Allen from RCAA who explained that there are no serious obstacles, and that the Trinidad North Coast Land Trust will likely own the Green Diamond property along the freeway and the Little River soon. The south end of Scenic Drive will be the trailhead for the proposed paved trail.

There were no comments from the public. The Council expressed overwhelming support.

*Motion (Miller/Davies) to receive the presentation from Redwood Community Action Agency and pass the proposed resolution indicating the City's support for completion of this Trail segment. **Passed unanimously.***

### **2. Discussion/Decision Regarding Greenhouse Gas Inventory Report from Redwood Coast Energy Authority.**

RCEA has been contracted to provide the city of Trinidad with a Greenhouse Gas Inventory starting from the year 2005. The inventory is designed to help the city address areas where emissions can be reduced, and will educate the community about ways to reduce the city's carbon footprint.

Energy Specialist Jerome Carman from RCEA presented the report and explained how the city could use it for future grant funding opportunities, as well as to establish local government initiatives that help the City move towards a more sustainable and resilient community.

Public comment included:

**Don Allan** – Westhaven Resident

The higher than average per capita consumption rates are due to the fact that Trinidad serves a bigger community as well as a large tourist economy.

*Presentation only. No decision was made.*

### **3. Discussion/Decision Regarding Potential Fly Humboldt Pledge.**

Mayor Fulkerson explained that the Redwood Region Economic Development Commission and other partners are working to raise a 'minimum revenue guarantee' fund to help bring another airline carrier to our local airport. The City provided \$1,000 towards this effort in 2012. The 'Fly Humboldt' coalition has now raised \$875,000 towards their goal of \$1,000,000. The funds are used as incentive to overcome the financial risks that a new carrier faces in our small market by guaranteeing some minimum. We have seen in the past that having multiple carriers greatly reduces costs and increases destinations available for direct flights. This would benefit local travelers as well as make it easier for tourists and visitors to fly in. The decision tonight is whether the city can afford to make an additional \$1000 contribution to Fly Humboldt.

Public comment included:

**Jim Cuthbertson** – Trinidad

If the money isn't raised or if no airline moves in, what will happen? **Fulkerson** explained that the money will stay in a fund until an airline is found. She also explained that the funds will be used to backfill the money lost by the airline when flights aren't full.

Council comment included:

**Miller:** Can we afford it? **City Manager Berman** confirmed that the city can afford it.

**Davies:** Is there more than one airline interested? **Fulkerson** explained that she was aware of more than one interested in flying to Arcata.

*Motion (Miller/West) to pledge \$1000 towards the Fly Humboldt campaign, with the funds to be provided when the full funding goal is reached and agreement with a new carrier is completed. **Passed unanimously.***

4. Report on November Election Results and Councilmember/Mayor Appointment Process.

City Clerk Adams explained that the Tuesday, November 04 Election the city ballot included (3) Councilmember positions. The only name that appeared on the ballot was incumbent Jim Baker. There was one qualified write-in candidate, incumbent Dwight Miller. Although there was a second write-in space, there was no qualified write-in candidate for the third position.

The County has not certified the election results yet, but assuming Councilmember Miller received at least one write-in vote, and Councilmember Baker received at least one ballot vote, then their new terms will be approved. ***There will, however, be one vacant seat remaining. The Council may fill that seat by appointment as soon as they find a qualified candidate, who must reside inside city limits and be a registered voter.***

Here is a list of current Councilmember seats and term limits (assuming Miller and Baker have been voted in when the election is certified):

<b>Tom Davies:</b>	<i>Term expires December 31, 2014</i>
<b>Julie Fulkerson:</b>	<i>Term expires December 31, 2016</i>
<b>Jack West:</b>	<i>Term expires December 31, 2016</i>
<b>Dwight Miller:</b>	<i>Term expires December 31, 2018</i>
<b>Jim Baker:</b>	<i>Term expires December 31, 2018</i>
<b>Future Appointment:</b>	<i>Term expires December 31, 2018</i>

**Upcoming Schedule:**

- Councilmember Davies last meeting: Wednesday, December 10.
- Final election results announced: Wednesday, December 10.
- Mayor Selection process: Wednesday, January 14.

**Mayor Selection Process:** City ordinance 2.06.010 states that “As soon as practicable after each general election at which one or more persons are elected to the city council, the council members shall vote one of their own to serve as mayor, and one to serve as mayor pro tem...”

There was no public comment or Council questions. *Informational item only. No decision was made.*

5. Report on Planning Commissioner Vacancy Announcement and Public Notice.

City Clerk Adams explained that the Planning Commissioner terms fall under the same odd-year timeline as City Councilmember terms. In December (3) Commissioners terms will expire. It is up to the City Council to appoint or reappoint qualified candidates, who serve at the pleasure of the Council. The process and commissioner qualifications are described in city ordinance 2.20.

Current Planning Commissioner seats and term limits:

<b>Richard Johnson:</b>	<i>Term expires December 31, 2014</i>
<b>Chuck Vanderpool:</b>	<i>Term expires December 31, 2014</i>
<b>Diane Stockness:</b>	<i>Term expires December 31, 2014</i>
<b>Mike Pinske:</b>	<i>Term expires December 31, 2016</i>
<b>Gale Becker:</b>	<i>Term expires December 31, 2016</i>

**Suggested Vacancy Posting Schedule:** Staff recommends posting the attached Vacancy Notice immediately, and suggests a filing deadline of Wednesday, December 03. This would provide enough time to include letters of interest in the December meeting packet for Council discussion and appointments. In the event there are no inquiries, the deadline may be extended further.

**Note:** *In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

*Informational item only. No decision was made.*

6. Discussion Regarding Wagner Street Trail.

City Manager Berman explained that the Wagner Street Trail has been a longstanding source of conflict in Trinidad. Concerns are being raised to the City about whether the parties to the 2005 Settlement Agreement regarding the Wagner Street Trail are honoring that agreement. In response, the City is reviewing the legal history and the situation on the ground. The City is also participating in discussions with the parties to the settlement to evaluate whether there are issues with compliance that need to be resolved, and if so, how best to achieve that resolution. Due to the current and active threat of litigation related to this issue, the City will be keeping the details of this review and discussions confidential for the time being. Therefore the City may not be able to answer or respond to all the questions and comments raised by the public at this time. Even so, the City is listening and the public's comments are an important part of our review of settlement compliance.

Public comment included:

**Jim Cuthbertson** – Trinidad

I believe John Frame is not honoring the agreement, and this issue should go back to court and get resolved. I've been repeatedly harassed while trying to enjoy the trail. Others have also been harassed. Will the city honor and enforce the 1994 and 2005 Agreements or not? The city needs to maintain the trail and re-read the 1994 Court Order. The trail entrance should be 4 feet wide and unobstructed, and the vegetation along the city's section of the trail should be no more than 6 feet tall.

**Tom Odom** – Trinidad

The trail needs to be maintained 3 feet wide. Signage should be put up alerting users that it is there and it can be used without harassment by the homeowner.

**Don Allan** – Westhaven Resident

There is no erosion associated with trail users. Mr. Frame threatened the land trust with a lawsuit. The city shouldn't get involved in this again. The Coastal Conservancy and Commission should battle this out. They won't let Frame close the trail.

**Steve Saunders** – Trinidad

Read a prepared statement and distributed to the Council. He explained that the trail should be called the Old Wagon Road Trail. He also summarized a complaint letter he submitted on October 03, 2014 to the city. He supports trail users, and believes that users should not be harassed. The trail should be kept open to the public, and Mr. Frame should not be allowed to manipulate the trail, the users, or the agencies that hold responsibility to maintain and keep the trail open.

Council comment included:

**Fulkerson:** There are a number of issues expressed and various options to consider. 1) Go back to court, 2) Signage, 3) Equal enforcement, 4) Erosion, 5) Vegetation maintenance, 6) Lawsuits, 7) Geotech Reports, 8) Trail name, 9) Trail boundary, 10) ADA, 11) Peaceful use, 12) 4x4 posts, 13) Equal signage, 14) Accountability. This is an incredibly complicated issue that's been ongoing for 20 years. I can assure the public that there is a lot of time and effort being dedicated to this issue behind the scenes. We need the space to deal with it. We've been here before.

**City Manager Berman:** Possible outcomes may include: 1) The City performs regular maintenance to ensure no unauthorized work takes place on city property, and 2) the city works with all parties to find a peaceful solution.

*The Council thanked members of the public for sharing their concerns and experiences, and assured everyone that effort was being made to find a peaceful and equitable solution.*

### **XIII. ADJOURNMENT**

- Meeting ended at 8:40pm.

Submitted by:

---

**Gabriel Adams**  
City Clerk

Approved by:

---

**Julie Fulkerson**  
Mayor